

TEXAS ETHICS COMMISSION

SWORN COMPLAINT FORM

FORM SC - INSTRUCTION GUIDE



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Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

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Promoting Public Confidence in Government

SWORN COMPLAINT FORM SC: INSTRUCTION GUIDE

Sworn Complaint procedures are governed by Subchapter E of Chapter 571 of the Government Code, §§ 571.121, et seq.

If you have any questions about sworn complaint procedures, or how to fill out this form, please call and leave a message for the Legal Department of the Texas Ethics Commission (Commission) at (512) 463-5800.

GENERAL INSTRUCTIONS

Any individual who is a resident of Texas or owns real property in Texas may file a sworn complaint with the Texas Ethics Commission alleging a violation of certain laws; however, keep in mind that the individual filing a sworn complaint (the complainant) may not remain anonymous and is not considered to be a party to the complaint. Section 571.138, Government Code.

The Ethics Commission may only consider violations of the following laws:

[Title 15, Election Code](#), concerning political contributions and expenditures, and political advertising;

[Chapter 302, Government Code](#), concerning the election of the Speaker of the Texas House of Representatives;

[Chapter 303, Government Code](#), concerning the governor for a day and speaker's reunion day ceremonies;

[Chapter 305, Government Code](#), concerning lobbyist registration, reports, and activities;

[Chapter 572, Government Code](#), concerning personal financial disclosure of state officers and conduct of state officers and employees;

[Chapter 2004, Government Code](#), concerning representation before state agencies;

[Subtitle B, Chapter 159, Local Government Code](#), concerning judges of statutory county courts or statutory probate courts who elect to file a personal financial statement with the Commission; and

Sections [334.025](#) and [335.055](#), Local Government Code, concerning false and misleading campaign material supporting or opposing the authorization of a sports or community venue project.

Statute of Limitations. For most violations that involve possible criminal penalties, including reporting violations and political advertising violations, the Commission has jurisdiction over the alleged violation for two years from when the alleged violation occurs. Therefore, the Commission cannot accept a sworn complaint if the alleged violation occurred more than two years before the complaint is filed. For all other violations, including an incorrect political advertising disclosure statement, conversion of political contributions to personal use, and corporate contributions, the Commission has jurisdiction over the alleged violation for three years from when the alleged

violation occurs. For those allegations, the Commission cannot accept the complaint if the alleged violation occurred more than three years before the complaint is filed. A sworn complaint is filed on the date it is hand-delivered to the Commission or on the date that it is deposited in the mail or with a common or contract carrier, properly addressed, with postage prepaid.

Process. A sworn complaint sets in motion a process that may include a preliminary review as well as informal or formal hearings. Click [here](#) for a link to a diagram explaining the process. The Commission is required by law to investigate all sworn complaints. The sworn complaint will first be reviewed by a staff attorney to determine if it has met the technical form requirements for a complaint filed with the Commission, and the executive director will make a determination as to whether it relates to a law that is within the Commission’s jurisdiction. Within five business days, a letter will be sent to both the complainant (person filing the sworn complaint) and respondent (person against whom the sworn complaint is filed) indicating whether the complaint has met these requirements and, if it has, instructions to the respondent for responding to the complaint.

A sworn complaint may be resolved at several points in the process. The Commission may ultimately resolve a sworn complaint by dismissal or imposition of a civil penalty. A respondent may appeal a final decision of the Commission to a district court for a trial *de novo*. During most stages of the process, the Commissioners and Commission staff are required to keep the complaint confidential.

The Ethics Commission is authorized to undertake civil enforcement actions on its own motion or in response to a sworn complaint, hold enforcement hearings, issue orders, impose civil penalties, and refer matters for criminal prosecution.

Filling out the Form. A sworn complaint must be filed on a form prescribed by the Commission. This form is available in several formats: you can use an online fillable form that you fill out online, then print the form and submit it, or you can print out a form with line formatting or without line formatting, then fill the form out and submit it. If you choose to print a blank Sworn Complaint form and fill it out by hand, it must be either typewritten or handwritten in ink.

You may submit the completed form and attachments by: (1) mail to P.O. Box 12070, Austin, Texas 78711 or (2) hand delivery to 201 E. 14th Street, Sam Houston Building, 10th floor, Austin, Texas 78701.

For further information on the sworn complaint process, please call and leave a message for the Commission's Legal Department at (512) 463-5800.

<p>Notes: You should retain copies of all documents filed with the Commission. Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.</p>

COMPLETING FORM SC

SECTION I. IDENTITY OF COMPLAINANT

1. **Complainant Name (Required).** Provide your full name.
2. **Complainant Physical Address (Required).** Provide your complete physical address. You may not use a P.O. Box address in this section.
3. **Complainant Mailing Address (Required).** Provide your complete mailing address. You may use a P.O. Box address in this section. If your physical and mailing addresses are identical, check the box under “Complainant Mailing Address” and skip the remainder of section 3.
4. **Complainant Telephone Number (Required).** Provide your complete phone number, including area code, and extension if applicable.
5. **Complainant E-Mail Address (Required if known).** Provide your email address, if you have one. If you do not have an email address, put “None” in the box.

SECTION II. IDENTITY OF RESPONDENT.

6. **Respondent Name (Required).** Provide the full name of the person against whom you are filing the sworn complaint.
7. **Respondent Position or Title (Required).** Provide the position or title of the respondent.
8. **Respondent Physical Address (Required).** Provide respondent’s complete physical address. You may not use a P.O. Box address in this section.
9. **Respondent Mailing Address (Required).** Provide respondent’s complete mailing address. You may use a P.O. Box address in this section. If respondent’s physical and mailing addresses are identical, check the box under “Respondent Mailing Address” and skip the remainder of section 9.
10. **Respondent Telephone Number (Required).** Provide respondent’s complete phone number, including area code, and extension if applicable.
11. **Respondent E-Mail Address (Required if known).** Provide respondent’s email address, if you have one. If you cannot locate an email address for respondent after a good faith effort to locate one, put “unknown” in the box.

SECTION III. NATURE OF ALLEGED VIOLATION. Include the specific law(s) or rule(s) alleged to have been violated by the respondent. The Texas Ethics Commission has jurisdiction to enforce only the following laws:

- (1) Title 15 of the Election Code;

- (2) Chapters 302, 303, 305, 572, and 2004 of the Gov't Code;
- (3) § 334.025 and § 335.055 of the Local Gov't Code;
- (4) Subtitle B, Chapter 159 of the Local Gov't Code, in connection with a county judicial officer who elects to file a financial statement with the commission; and
- (5) § 2152.064 and § 2155.003 of the Gov't Code.

SECTION IV. STATEMENT OF FACTS. State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to you, but alleged on information and belief. Please use simple, concise, and direct statements.

SECTION V. LISTING OF DOCUMENTS AND OTHER MATERIALS. List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your personal knowledge but are either not within your possession or not available to you, including their location, if known.

SECTION VI. AFFIDAVIT BASED ON PERSONAL KNOWLEDGE. The complaint must be accompanied by a sworn affidavit stating that the information contained in the complaint is either correct or that you have good reason to believe and do believe that the alleged violation(s) occurred. If you can swear that the information contained in the complaint is correct based on your direct personal knowledge, use this affidavit. If the acts alleged are not within your direct personal knowledge, but are based on reasonable belief that the alleged violation(s) occurred, you must use the affidavit in section VII.

If you are using the fillable form, fill this section out by hand after you finish the fillable form and print it out. Print your full name on the first line, sign above the line that says “Signature of Complainant” (an electronic signature is not acceptable) and then take the completed form to a notary public to have it notarized. A sworn complaint must be notarized, or it will be deemed noncompliant and rejected.

SECTION VII. AFFIDAVIT BASED ON INFORMATION AND BELIEF. The complaint must be accompanied by a sworn affidavit stating that the information contained in the complaint is either correct or that you have good reason to believe and do believe that the alleged violation(s) occurred. If you can swear that the information contained in the complaint is correct based on your direct personal knowledge, use the affidavit under section VI. If the acts alleged are not within your direct personal knowledge, but are based on reasonable belief that the alleged violation(s) occurred, use this affidavit.

If you are using the fillable form, fill this section out by hand after you finish the fillable form and print it out. Print your full name on the first line, sign above the line that says “Signature of Complainant” (an electronic signature is not acceptable) and then take the completed form to a

notary public to have it notarized. A sworn complaint must be notarized, or it will be deemed noncompliant and rejected.

PROOF OF TEXAS RESIDENCY OR OWNERSHIP OF REAL PROPERTY IN TEXAS.

To be eligible to file a sworn complaint with the commission, an individual must be a resident of this state or must own real property in this state. Proof of Texas residency or ownership of real property in Texas must be attached to the complaint at the time it is filed.

Proof of Texas residency is shown by attaching a copy of one of the following documents:

- Texas driver’s license;
- Personal identification certificate (issued under Chapter 521 of the Transportation Code);
- Commercial driver’s license (issued under Chapter 522 of the Transportation Code);
- Utility bill (with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed);
- Bank statement (with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed);
- Government check (with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed);
- Paycheck (with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed); or
- Other government document (with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed).

Proof of ownership of real property in Texas is shown by attaching a copy of one of the following documents:

- Property tax bill (that shows the name of complainant, address of real property in Texas, and identifies the complainant as the owner of the real property);
- Notice of appraised value (that shows the name of complainant, address of real property in Texas, and identifies the complainant as the owner of the real property); or
- Other government document (that shows the name of complainant, address of real property in Texas, and identifies the complainant as the owner of the real property);

Check the box of the document you will attach to the complaint.

WAIVER OF NOTICE BY CERTIFIED MAIL REQUIREMENT. By law, initial notices of a complaint must be sent to the complainant and respondent by registered or certified mail, restricted delivery, return receipt requested. This requirement can be waived by signing the Waiver of Notice by Certified Mail Requirement. This is an optional part of the complaint form. If you wish your initial notice of the complaint to be sent to you via certified mail, do not complete this form. If you wish your initial notice of the complaint to be sent to you via first class mail, complete this form. This waiver may be withdrawn at any time by sending written notice to the executive director of the Commission.

Please note: if you have signed the Wavier, but the Commission determines that a more restricted means of delivery is warranted, the Commission retains the right to mail any notices to you by a more restricted means than first class mail.

If you are using the fillable form, fill out your name, an alternate email address for notices (optional) and the date, then print the form and sign it. While an electronic signature is allowed, an original signature is preferred.

AFTER COMPLETING FORM SC: After you have filled out the complaint form, you must do the following:

- print it in its entirety;
- sign the Affidavit in section VI or VII;
- have the signed Affidavit notarized;
- sign the Waiver if desired;
- attach all documents listed in section V;
- attach whichever document you have indicated you will be attaching as proof of Texas residency or proof of ownership of real property in Texas;
- keep a copy of the complaint and attachments for your files; and
- mail or hand deliver the sworn complaint and all attachments to the Commission.

If you have any questions about sworn complaint procedures, or how to fill out this form, please call and leave a message for the Legal Department of the Commission at (512) 463-5800.